IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:07-cr-00168-FDW-SCR

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.)
)
ELLIOT CHRISTANO CLINTON,	ORDER OF CONTINUING
Defendant,	GARNISHMENT
)
and)
)
TREMONT HOSPITALITY GROUP LLC,)
Garnishee.)
)

THIS MATTER IS BEFORE THE COURT on the Government's Motion for Order of Continuing Garnishment (Doc. No. 31) upon the Answer of Tremont Hospitality Group LLC, as the Garnishee (Doc. No. 30). An Amended Judgment in the criminal case was entered on November 8, 2018 (Doc. No. 21). As part of that Judgment, Defendant, Elliot Christano Clinton, was ordered to pay an assessment of \$300.00 and restitution in the amount of \$15,094.00. Id. The balance due as of December 1, 2023, was \$12,420.56.

On December 4, 2023, the Court entered a Writ of Continuing Garnishment ("Writ") as to Garnishee, Tremont Hospitality Group LLC. (Doc. No. 27). Defendant was served with the Writ and Instructions on December 16, 2023, notifying him of his right to request a hearing and/or claim exemptions. Garnishee was served with the Writ and Instructions on December 7, 2023. Garnishee filed an Answer on January 30, 2024, stating that at the time of service of the Writ, the Garnishee had in its custody, control, or possession property or funds owned by Defendant, including nonexempt, disposable earnings. (Doc. No. 30). Garnishee certified that it served the Answer on Defendant on January 22, 2024. <u>Id.</u> Defendant did not request a hearing, and the

statutory time to do so has elapsed.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby

ENTERED in the amount of \$12,420.56 computed through December 1, 2023. Garnishee shall

pay the United States up to the lesser of:

1. twenty-five percent (25%) of Defendant's disposable earnings which remain after all

deductions required by law have been withheld, or

2. the amount by which Defendant's disposable earnings for each week exceed thirty (30)

times the federal minimum wage.

See 15 U.S.C. § 1673(a). Garnishee shall continue payments until the debt to the United States is

paid in full; until Garnishee no longer has custody, possession, or control of any property belonging

to Defendant; or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

CLERK OF THE UNITED STATES DISTRICT COURT
401 WEST TRADE STREET

CHARLOTTE, NORTH CAROLINA 28202

To ensure that each payment is credited properly, the following should be included on each

check: Defendant's Name Elliot Christano Clinton and Court Number DNCW3:07CR168.

IT IS FURTHER ORDERED that Garnishee shall advise this Court if Defendant's

employment is terminated at any time by Garnishee or Defendant.

IT IS FURTHER ORDERED that the United States shall submit this debt to the

Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment

Defendant would normally receive may be offset and applied to this debt.

SO ORDERED.

Signed: March 22, 2024

Susan C. Rodriguez

Occument 32 Filed 03/22/2/

Ralija te Judge 103/22/24 Page